

1           AN    ACT    concerning government contracts with State  
2    appointees.

3           Be it enacted by the People of the State of Illinois,  
4    represented in the General Assembly:

5           Section 1.   Short title. This Act may be cited as the  
6    State Appointee Contract Prohibition Act.

7           Section 5.   Prohibition.

8           (a) It is unlawful for an appointed member of a board,  
9    commission, authority, or task force authorized or created by  
10   State law, or the spouse or immediate family member of the  
11   appointee, to have or acquire a contract or have or acquire a  
12   direct pecuniary interest in a contract with a unit of local  
13   government or school district that relates to the board,  
14   commission, authority, or task force of which he or she is an  
15   appointee during and for one year after the person's term of  
16   office.

17          (b) It is unlawful for a partnership, association, or  
18   corporation in which a person subject to subsection (a) has  
19   majority ownership or managerial responsibility to have or  
20   acquire a contract or a direct pecuniary interest in a  
21   contract prohibited by subsection (a) during and for one year  
22   after the person's term of office.

23          (c) This Act does not affect the validity of a contract  
24   in existence before the person's appointment.

25          (d) Violation of this Act is a business offense  
26   punishable by a fine of no less than \$1,000 and no more than  
27   \$5,000.

28          Section 90. The Illinois Procurement Code is amended by  
29   changing Section 50-13 as follows:

1 (30 ILCS 500/50-13)

2 Sec. 50-13. Conflicts of interest.

3 (a) Prohibition. It is unlawful for any person holding  
4 an elective office in this State, holding a seat in the  
5 General Assembly, or appointed to or employed in any of the  
6 offices or agencies of State government and who receives  
7 compensation for such employment in excess of 60% of the  
8 salary of the Governor of the State of Illinois, or who is an  
9 officer or employee of the Capital Development Board or the  
10 Illinois Toll Highway Authority, or who is the spouse or  
11 minor child of any such person to have or acquire any  
12 contract, or any direct pecuniary interest in any contract  
13 therein, whether for stationery, printing, paper, or any  
14 services, materials, or supplies, that will be wholly or  
15 partially satisfied by the payment of funds appropriated by  
16 the General Assembly of the State of Illinois or in any  
17 contract of the Capital Development Board or the Illinois  
18 Toll Highway Authority.

19 (b) Interests. It is unlawful for any firm,  
20 partnership, association, or corporation, in which any person  
21 listed in subsection (a) is entitled to receive (i) more than  
22 7 1/2% of the total distributable income or (ii) an amount in  
23 excess of the salary of the Governor, to have or acquire any  
24 such contract or direct pecuniary interest therein.

25 (c) Combined interests. It is unlawful for any firm,  
26 partnership, association, or corporation, in which any person  
27 listed in subsection (a) together with his or her spouse or  
28 minor children is entitled to receive (i) more than 15%, in  
29 the aggregate, of the total distributable income or (ii) an  
30 amount in excess of 2 times the salary of the Governor, to  
31 have or acquire any such contract or direct pecuniary  
32 interest therein.

33 (c-5) In addition to subsection (a), it is unlawful  
34 for an appointed member of a board, commission, authority, or

1 task force authorized or created by State law, or the spouse  
2 or immediate family member of the appointee, to have or  
3 acquire a contract or have or acquire a direct pecuniary  
4 interest in a contract with the State that relates to the  
5 board, commission, authority, or task force of which he or  
6 she is an appointee during and for one year after the  
7 person's term of office.

8 (c-10) It is unlawful for a partnership, association, or  
9 corporation in which a person subject to subsection (c-5) has  
10 majority ownership or managerial responsibility to have or  
11 acquire a contract or a direct pecuniary interest in a  
12 contract prohibited by subsection (c-5) during and for one  
13 year after the person's term of office.

14 (d) Securities. Nothing in this Section invalidates the  
15 provisions of any bond or other security previously offered  
16 or to be offered for sale or sold by or for the State of  
17 Illinois.

18 (e) Prior interests. This Section does not affect the  
19 validity of any contract made between the State and an  
20 officer or employee of the State or member of the General  
21 Assembly, his or her spouse, minor child, or other immediate  
22 family member or any combination of those persons if that  
23 contract was in existence before his or her election or  
24 employment as an officer, member, or employee. The contract  
25 is voidable, however, if it cannot be completed within 365  
26 days after the officer, member, or employee takes office or  
27 is employed.

28 (f) Exceptions.

29 (1) Public aid payments. This Section does not  
30 apply to payments made for a public aid recipient.

31 (2) Teaching. This Section does not apply to a  
32 contract for personal services as a teacher or school  
33 administrator between a member of the General Assembly or  
34 his or her spouse, or a State officer or employee or his

1 or her spouse, and any school district, public community  
2 college district, the University of Illinois, Southern  
3 Illinois University, Illinois State University, Eastern  
4 Illinois University, Northern Illinois University,  
5 Western Illinois University, Chicago State University,  
6 Governor State University, or Northeastern Illinois  
7 University.

8 (3) Ministerial duties. This Section does not  
9 apply to a contract for personal services of a wholly  
10 ministerial character, including but not limited to  
11 services as a laborer, clerk, typist, stenographer, page,  
12 bookkeeper, receptionist, or telephone switchboard  
13 operator, made by a spouse or minor child of an elective  
14 or appointive State officer or employee or of a member of  
15 the General Assembly.

16 (4) Child and family services. This Section does  
17 not apply to payments made to a member of the General  
18 Assembly, a State officer or employee, his or her spouse  
19 or minor child acting as a foster parent, homemaker,  
20 advocate, or volunteer for or in behalf of a child or  
21 family served by the Department of Children and Family  
22 Services.

23 (5) Licensed professionals. Contracts with licensed  
24 professionals, provided they are competitively bid or  
25 part of a reimbursement program for specific, customary  
26 goods and services through the Department of Children and  
27 Family Services, the Department of Human Services, the  
28 Department of Public Aid, the Department of Public  
29 Health, or the Department on Aging.

30 (g) Penalty. A person convicted of a violation of this  
31 Section is guilty of a business offense and shall be fined  
32 not less than \$1,000 nor more than \$5,000.

33 (Source: P.A. 90-572, eff. 2-6-98.)